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Supreme Court of the United States.

OCTOBER TERM, 1952.

No. 10.

UNITED STATES OF AMERICA,

Petitioner,

v.

CLARA BELLE HENNING ET AL.

PETITION FOR A REHEARING.

RICHARD H. LEE,

Attorney for JOSEPH S. KENNEDY,
Administrator of the Estate of
Bessie M. Henning and Adminis-
trator d.b.n. of the Estate of
Otto F. Henning.

Supreme Court of the United States.

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UNITED STATES OF AMERICA,

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CLARA BELLE HENNING ET AL.

PETITION FOR A REHEARING.

Joseph S. Kennedy, Administrator of the Estate of Bessie M. Henning, and Administrator d.b.n. of the Estate of Otto F. Henning, respondents in the above case, represents that on Monday, November 17, 1952, this Honorable Court by a majority decision of the justices thereof reversed a decree of the United States Court of Appeals for the First Circuit, after having granted certiorari thereto on January 28, 1952; that at the time of the filing of said petition for certiorari the respondent Clara Belle Henning had died and the fact of her death was not known to counsel engaged in this case; that under Rule 19 of this Court said petition should have been abated until the appropriate representative of the Estate of Clara Belle Henning was made a party thereto.

Your petitioner believes that this drastic change in the circumstances of the parties, which was unknown to counsel and Court at the time of their opinion, changes the basis upon which said opinion was rendered and makes a new opinion appropriate.

WHEREFORE your petitioner prays:

1. That this Honorable Court grant the within petition for rehearing.
2. That this Honorable Court permit the substitution of the personal representative of the deceased Clara Belle Henning and abate the petition until such substitution has been accomplished.
3. For such other and further relief as to this Honorable Court may seem meet and just.

Respectfully submitted,

RICHARD H. LEE,

Attorney for JOSEPH S. KENNEDY, Administrator of the Estate of Bessie M. Henning and Administrator d.b.n. of the Estate of Otto F. Henning.

Certificate.

I, Richard H. Lee, counsel for Joseph S. Kennedy, hereby certify that the within petition for rehearing is presented in good faith and not for delay.

RICHARD H. LEE.

COMMONWEALTH OF MASSACHUSETTS.

SUFFOLK, SS.

NOVEMBER 26, 1952.

Personally appeared RICHARD H. LEE and made oath to the truth of the foregoing certificate; before me,

FRANCES K. LINDSTRUM,
Notary Public.